IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 84 of 2000

with

APPEAL FROM ORDER No 9 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

TAPAN DATTA

Versus

IQBAL HAIDER ZAIDI

Appearance:

MRS KETTY A MEHTA for Appellant

MR MA KHARADI for Respondent No. 1

Respondent No. 2 served

CORAM : MR.JUSTICE J.R.VORA

Date of decision: 27/07/2001

COMMON ORAL JUDGEMENT

1. Both the aforesaid Appeals are preferred by original defendant No.2 of Spl. Civil Suit No. 273 of 1999 pending before the Civil Judge (SD) at Bharuch. Appeal From Order No. 9 of 2000 is preferred by original defendant No.2 against an ad interim injunction order passed by the learned Trial Judge on 27th of September, 1999 below Exh. 5 application for temporary injunction filed by the plaintiff. While Appeal From Order No. 84 of 2000 is filed by defendant No.2 against the final order passed by the learned Trial Judge below Application Exh.5 for the temporary injunction and the order was pronounced on 29th of February, 2000. So, both the Appeals are arising against the ad interim order passed and interim order passed below Exh.5 in the same Civil Suit bearing Spl. Civil Suit No. 273 of 1999 pending before the learned Civil Judge (SD) at Bharuch.

2. Heard learned Advocate Mr. M.A. Kharadi for respondent No.1 and learned Advocate Ms. Archana Raval for learned Advocate Mrs.K.A.Mehta for appellant. Learned Advocate Mr. Kharadi places on record an order of the Trial Court dated 26th May, 2000, by which Spl. Civil Suit No. 273 of 1999 stands disposed of as withdrawn because plaintiff filed a Purshis at Exh. 36 to withdraw the above said suit. Learned Advocate Mr. Kharadi submits that now both the Appeals have become infructuous because the main suit is disposed of as withdrawn. Learned Advocate Ms. Raval has no objection if both the Appeals are disposed of in view of they becoming infructuous.

3. In this view of the matter, Appeal From Order No. 84 of 2000 and Appeal From Order No. 9 of 2000, both stands disposed of as having become infructuous. No order as to costs. The xerox copy of the order presented by learned Advocate Mr. Kharadi is taken on record.

4. This also disposes of the Civil Application No. 67 of 2000. Rule is discharged. Ad interim relief granted earlier, if any, shall stand vacated. No costs. Direct Service is permitted.

(J.R. Vora, J.)

p.n.nair